

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Use Forfeited Bail Money for the Victims of an Offender**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 15 MRSA §224-A, sub-§2,** as amended by PL 1995, c. 447, §2, is further amended to read:

**2. Funding.** The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is not payable as restitution pursuant to Title 17-A, section 1329, subsection 3-A, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district, but in no event may the account exceed \$20,000. Any bail so forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

**Sec. 2. 15 MRSA §1094, first ¶,** as amended by PL 1997, c. 543, §21, is further amended to read:

When a defendant who has been admitted to either preconviction or post-conviction bail in a criminal case fails to appear as required or has violated the conditions of release, the court shall declare a forfeiture of the bail. The obligation of the defendant and any sureties may be enforced in such manner as the Supreme Judicial Court shall by rule provide and in accordance with section 224-A and Title 17-A, section 1329, subsection 3-A. The rules adopted by the Supreme Judicial Court must provide for notice to the defendant and any sureties of the consequences of failure to comply with the conditions of bail.

**Sec. 3. 17-A MRSA §1329, sub-§3-A** is enacted to read:

**3-A. Forfeiture of bail.** When an offender who has been sentenced to make restitution and has defaulted in payment or service of the restitution is declared in forfeiture of bail pursuant to Title 15, section 1094, the obligation and sureties of the defendant must be enforced pursuant to Title 15, section 1094 and the district attorney shall use the proceeds to satisfy the offender's restitution obligation. Any proceeds from the forfeited bail remaining after the offender's restitution obligation has been satisfied must be used in accordance with Title 15, section 224-A, subsection 2.

### **SUMMARY**

This bill requires the proceeds from a forfeited bail of an offender who is in default of a restitution obligation to be used to satisfy the obligation.